

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 558				
Document ID: 9500118				
Stack: V	Row: 44	Section: 4	Shelf: 8	Position: 1

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9500118
RECEIVED: 06 JAN 95 15

TO: LAKE

FROM: TOVAR, GRETTA

DOC DATE: 05 JAN 95
SOURCE REF:

KEYWORDS: HAITI
CUBA
MP

REFUGEES
HUMAN RIGHTS

PERSONS:

SUBJECT: HUMAN RIGHTS WATCH / AMERICAS & NATL COALITION FOR HAITIAN REFUGEES

ACTION: NFAR PER MALLEY

DUE DATE: 10 JAN 95 STATUS: C

STAFF OFFICER: MALLEY

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY: NSVJD

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9500118

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 ROCHA	Z 95010615 PREPARE MEMO FOR LAKE
001	Z 95011013 ACTION TRANSFERRED
001 SCHWARTZ	Z 95011013 PREPARE MEMO FOR LAKE
001	Z 95011110 ACTION TRANSFERRED
001 MALLEY	Z 95011110 PREPARE MEMO FOR LAKE
001	X 95121415 NFAR PER MALLEY

UNCLASSIFIED

SECRET
PRS ACTION ITEMS WITH MALLEY

04 DEC 1995
PAGE 109

RECORD ID LAST ACTION DATE	FROM SUBJECT KEYWORDS	TO	DOC. DATE STATUS DUE DATE	NOTES
9500118 JAN 11	TOVAR, GRETTA HUMAN RIGHTS WATCH / AMERICAS & NATL COALITION FOR HAITIAN REFUGEES CUBA HUMAN RIGHTS	LAKE HAITI MP	JAN 05 S 01/10/95	<i>No action required</i>
9500124 JAN 09	ROTH, KENNETH HUMAN RIGHTS WATCH FWDS INFO CYS OF LTRS RE HUMAN RIGHTS POLICY HUMAN RIGHTS	BROWN, R MP	JAN 03 S 01/10/95	<i>No action required - meeting was held</i>
9500129 JAN 09	JONES, SIDNEY HUMAN RIGHTS WATCH / ASIA INFO CY OF SECDEF PERRY LTR ON INDIA & PAKISTAN HUMAN RIGHTS MP	PERRY, W INDIA PAKISTAN	JAN 03 S 01/10/95	No action <i>Passed to Eric Schwartz</i>
9500446 JAN 20	GRANT, JAMES P LTR TO LAKE FM GRANT OF UNICEF RE RIGHTS OF CHILD HUMAN RIGHTS	LAKE UN	JAN 20 S 01/24/95	<i>OIR - no action required</i>
9500729 FEB 21	BRILL, K CUBAN REFUGEES ARGENTINA HS	SENS CUBA REFUGEES	FEB 17 S 02/06/95	<i>No action required - addressed via phone</i>
9501694 MAR 02	WATCH, GUANTANAMO HAITIAN CHILDREN AT GUANTANAMO CUBA	BERGER HAITI	MAR 02 S 03/06/95	<i>No action required - meeting was held</i>

SECRET

CLASSIFIED BY NSC EXECUTIVE SECRETARY
DECLASSIFY ON: OADR

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9500118
RECEIVED: 06 JAN 95 15

TO: LAKE

SUSPENSE

FROM: TOVAR, GRETTA

DOC DATE: 05 JAN 95
SOURCE REF:

KEYWORDS: HAITI
CUBA
MP

REFUGEES
HUMAN RIGHTS

PERSONS:

SUBJECT: HUMAN RIGHTS WATCH / AMERICAS & NATL COALITION FOR HAITIAN REFUGEES

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 10 JAN 95 STATUS: S

STAFF OFFICER: ROCHA

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

ROCHA

FOR CONCURRENCE

CLARKE
HALPERIN
MALLEY
SCHWARTZ

FOR INFO

BLAKEMAN
FEINBERG
KRECZKO
SEATON
SESTAK
SIMON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

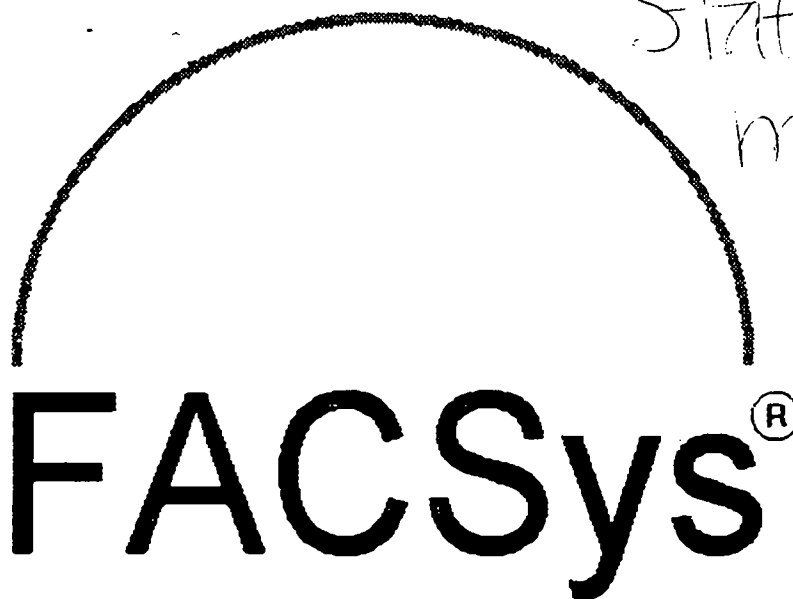
OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

Staff to
manuel
Rocha



=====

To: Anthony Lake

From: Gretta Tovar

=====

Human Rights Watch/Americas

1522 K Street
Washington, DC 20005
TEL: 202-371-6592
FAX: 212-371-0124

National Coalition for Haitian Refugees

275 Seventh Ave., 25th Floor
New York, NY 10001
TEL: 212-337-0005
FAX: 212-337-0028

For Immediate Release
January 5, 1995

For Further Information:
Jocelyn McCalla (212) 337-0005
Gretta Tovar Siebentritt (202) 371-6592
José Miguel Vivanco (202) 371-6592
Ahpaly Coradin (212) 337-0005

**HUMAN RIGHTS ORGANIZATIONS CONDEMN FORCED
REPATRIATION OF HAITIANS IN GUANTANAMO WITHOUT REFUGEE SCREENING**

Human Rights Watch/Americas and the National Coalition for Haitian Refugees strongly condemn the Clinton administration's plans to begin processing for the forcible repatriation of Haitians held at the U.S. naval base in Guantánamo, Cuba, without allowing them to exercise their right to a full and fair hearing to determine their refugee status. In the absence of a fair hearing, genuine refugees may be forcibly repatriated in violation of the internationally recognized principle of *non-refoulement*, which prohibits the return of a refugee to a country where he or she may face persecution.

"The Clinton administration has an obligation to advise Haitians of their right to a fair hearing to determine refugee status and should initiate such hearings prior to any involuntary repatriation. The U.S. should provide for the resettlement of meritorious applicants, in cooperation with the United Nations High Commissioner for Refugees," said José Miguel Vivanco, Executive Director of Human Rights Watch/Americas.

Claiming that changed country conditions obviate the need for asylum, U.S. officials informed Haitians in Guantánamo in a December 30 statement that those Haitians who did not return voluntarily by January 5 would be "required to return." The statement also stipulated that "under no circumstances will any Haitian currently at Guantánamo be admitted to the United States." The Defense Department stated that up to one hundred Haitians will be processed immediately and taken aboard U.S. Coast Guard cutters for involuntary repatriation. Those expressing a fear of persecution may request an interview with U.S. officials only to determine if they may be temporarily exempted from repatriation and permitted to retain safe haven status at Guantánamo indefinitely. U.S. officials say they hope to process and repatriate up to 500 Haitians per day.

"In the absence of a fair hearing with appropriate procedural safeguards, such screening cannot justify the involuntary return of Haitians nor satisfy the international principle prohibiting *refoulement*. The U.S. government is prejudging Haitians' claims for asylum in violation of their due process rights. The result is that genuine refugees among the Haitians in Guantánamo are facing imminent forcible return or indefinite detention," added Vivanco. Neither organization voiced objections to the return of Haitians determined not to be refugees under the 1951 Convention or U.S. refugee law.

According to the two human rights monitoring organizations, it is premature for the Clinton administration to make a blanket assertion that all Haitians can now safely avail themselves of their

government's protection. While conditions in Haiti have unquestionably improved, security for Haitian citizens remains tenuous and abuses have continued. "Without a functioning judiciary, a civilian police force capable of law enforcement, or disarmament of abusive military and paramilitary agents, the situation remains volatile and uncertain, particularly in the rural areas," said Jocelyn McCalla, Executive Director of the National Coalition for Haitian Refugees.

* * *

Human Rights Watch/Americas was established in 1981 to monitor human rights in Latin America and the Caribbean. José Miguel Vivanco is executive director and Anne Manuel is associate director. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marina Pinto Kaufman are vice chairs.

National Coalition for Haitian Refugees, established in 1982, is composed of forty-seven legal, human rights, civil rights, church, labor, and Haitian community organizations working together to seek justice for Haitian refugees in the United States and to monitor and promote human rights in Haiti. Its executive director is Jocelyn McCalla and its associate director is Anne Fuller. In addition, to periodic reports on human rights in Haiti, the NCHR publishes a monthly bulletin on human rights and refugee affairs which is available upon request.